

RA-CW-257-2018 in
CWP-23653-2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RA-CW-257-2018 in
CWP-23653-2014
Date of decision : 22.11.2019

M.L. Verma

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Johan Kumar, Advocate for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Mr. Sudhanshu Makkar, Advocate for respondents No. 5 and 6.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the parties are agreeable that subsequent to the passing of the order dated 06.08.2018 (Annexure A-1), passed by this Court, State of Haryana by relying upon the judgment passed by a Co-ordinate Bench of this Court in CWP No. 12179 of 2011 titled as ***Dr. K.L. Johar and others Vs. State of Haryana and others***, decided on 10.11.2016, issued Instructions on 14.08.2018, whereby the benefit of leave encashment has been allowed to the employees of the Aided Institutions as well. Copy of the Instructions dated 14.08.2018 has been attached by the petitioner as Annexure A-2, which is as under:-

“From

*Additional Chief Secretary to Government Haryana
Higher Education,
Department Chandigarh.*

To

*All Principles of Govt. Aided Private
Colleges in Haryana State*

*Memo No. 24/12-2011 C II(2)
Dated, Panchkula the 14.08.2018.*

*Subject: Grant the benefit of Encashment of Earned Leave
to Govt. Aided Private College Employees at par
with their counterpart working in Govt. Colleges.*

Kindly refer to the above cited subject.

*Keeping in view the judgment of Hon'ble Punjab and
Haryana High Court in CWP No. 12179 of 2011 dated 10.11.2016,
the State Govt. has decided to grant the benefit of encashment of
earned leave to all Govt. Aided Private Colleges (Teaching and Non-
Teaching) employees at par with their counterpart working in Govt.
Colleges. The leave encashment benefit will be given on the basis of
calculation of earned leaves w.e.f. 09.04.1987, and as per Govt.
instructions issued from time to time thereafter. The amount of leave
encashment will be borne to the extent of 95% by State Government
and 5% share shall be contributed by the management of college.*

*These instructions may kindly be brought to the notice of
all concerned for strict compliance.*

*This is issued in concurrence with FD-II U.O No.
60/22/2017-2FD-II/13332 dated 07.06.2018.*

*Sd/-Superintendent College-II
For Additional Chief Secretary to Government
Haryana High Education, Department”*

Learned State counsel very fairly accepts that the case of the

petitioner needs to be considered under the said Instructions dated

14.08.2018 (Annexure A-2) for the grant of leave encashment and the said exercise will be done within a period of three months from the date of receipt of certified copy of this order and in case after the consideration, petitioner is found entitled for the benefit of leave encashment, the same will also be extended to him within a period of next one month.

Learned counsel for the review-applicant states that keeping in view the undertaking given by learned State counsel for consideration of the case of the petitioner for the grant of leave encashment as per Instructions dated 14.08.2018 (Annexure A-2) by passing an appropriate speaking order, he does not wish to press this review petition any further.

Disposed of accordingly.

November 22, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*